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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/022,624
Filing Date: December 17, 2001
Appellant(s): BROWN ET AL.

H. Artoush Ohanian
For Appellant

SUPPLEMANTAL
EXAMINER'S ANSWER

This is in response to the appeal brief filed on 07/19/2006 appealing from the Office action mailed on 08/03/2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,282,275	Gurbani et al.	08-2001
6,363,145	Shaffer et al.	03-2002
5,535,256	Maloney et al.	07-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

9.1 Claims 1, 2, 4-8, 11-17, 19-23, 26-32 and 36-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Gurbani US 6,282,275.

9.1.1 Regarding claim 1, Gurbani discloses a subscriber's telephone call-log with Internet access in figure 1. Gurbani teaches:

detecting a caller's identification, or caller ID (context) (column 2, lines 33-38, 44-53);

accessing at least one caller ID based logging request (when a called party subscribers to caller ID going service, the called party thus, by inherency, requests caller ID logging) for said call (column 2, lines 53-58); and

logging said caller ID in caller identification logging server 124 (column 2, lines 59-63).

9.1.2 Regarding claim 2, Gurbani teaches that the caller ID is detected by service control point (SCP) 122, which is within a trusted telephone network (column 2, lines 53-58).

9.1.3 Regarding claim 4, Gurbani further teaches:

detecting a plurality of telephone numbers (context clues) including caller ID and called directory number (figures 2A and 2B); and

identifying a caller ID from the plurality of telephone numbers (figures 2A and 2B).

9.1.4 Regarding claim 5, Gurbani teaches that caller ID is from an identity of call originating telephone device 102 (column 2, lines 33-38, 44-58).

9.1.5 Regarding claim 6, Gurbani teaches a caller ID from telephone device 102 which originates the call (column 2, lines 33-38, 44-58).

9.1.6 Regarding claim 7, Gurbani teaches that the subscriber (called party) requests logging the caller's ID (column 2, lines 53-58).

9.1.7 Regarding claim 8, Gurbani teaches identifying if a called telephone number subscribes caller ID logging service (column 2, lines 53-58).

9.1.8 Regarding claim 11, Gurbani teaches notifying the subscriber of caller ID logged (column 5, lines 21-29).

9.1.9 Regarding claim 12, Gurbani teaches notifying the subscriber (designated party) of caller ID logged (column 5, lines 21-29).

9.1.10 Regarding claim 13, Gurbani teaches time stamps and stores logged caller ID (column 2, lines 59-63). It is inherent that if a caller called more than once, his caller ID would be updated in a call log.

9.1.11 Regarding claim 14, Gurbani teaches authenticating the subscriber before forwarding caller IDs to the subscriber's computer 130 (column 28-43).

9.1.12 Regarding claim 15, Gurbani teaches filtering a plurality of caller IDs (with and without caller ID) for a plurality of callers, detecting a valid caller ID, and determining

that caller ID logging request (by the subscriber) is valid (column 2, lines 53-58; Figures 2A and 2B).

9.1.13 Regarding claim 16, Gurbani discloses:

a caller identification logging server 124 (logging controller) connected to a service control point (SCP) 122 (column 2, lines 53-58), which is connected to a trusted telephone network (Figure 1; column 2, lines 44-53), and SCP 122 and caller identification logging server 124 may be unified into one single unit (column 5, lines 48-52);

means (SCP) for detecting caller ID information (call context) and accessing at least one caller ID based logging request (when a called party subscribers to caller ID going service, the called party thus, by inherency, requests caller ID logging) for said call (column 2, lines 53-58); and

means (server 124) for logging said caller ID in caller identification according to caller ID logging request (column 2, lines 53-63).

9.1.14 Regarding claim 17, Gurbani teaches that the caller ID is detected by service control point (SCP) 122, which is within a trusted telephone network (column 2, lines 53-58).

9.1.15 Regarding claim 19, Gurbani further teaches:

detecting a plurality of telephone numbers (context clues) including caller ID and called directory number (figures 2A and 2B); and

identifying a caller ID from the plurality of telephone numbers (figures 2A and 2B).

9.1.16 Regarding claim 20, Gurbani teaches that caller ID is from an identity of call originating telephone device 102 (column 2, lines 33-38, 44-58).

9.1.17 Regarding claim 21, Gurbani teaches that the caller ID is from telephone device 102 which originates for the call (column 2, lines 33-38, 44-58).

9.1.18 Regarding claim 22, Gurbani teaches that the subscriber (called party) requests logging the caller's ID (column 2, lines 53-58).

9.1.19 Regarding claim 23, Gurbani teaches identifying whether a called telephone number subscribes caller ID logging service (column 2, lines 53-58).

9.1.20 Regarding claim 26, Gurbani teaches notifying the subscriber of caller ID logged (column 5, lines 21-29).

9.1.21 Regarding claim 27, Gurbani teaches notifying the subscriber (designated party) of caller ID logged (column 5, lines 21-29).

9.1.22 Regarding claim 28, Gurbani teaches time stamps and stores logged caller ID (column 2, lines 59-63). It is inherent that if a caller calls more than once, his caller ID would be updated in a call log.

9.1.23 Regarding claim 29, Gurbani teaches authenticating the subscriber before forwarding caller IDs to the subscriber's computer 130 (column 28-43).

9.1.24 Regarding claim 30, Gurbani teaches filtering a plurality of caller IDs (with and without caller ID) for a plurality of callers, detecting a valid caller ID, and determining that caller ID logging request (by the subscriber) is valid (column 2, lines 53-58; Figures 2A and 2B).

9.1.25 Regarding claim 31, Gurbani teaches:

a caller identification logging server 124, which is connected to a service control point (SCP) 122 (column 2, lines 53-58), wherein the SCP 122 and caller identification logging server 124 may be unified into one single unit (column 5, lines 48-52), which inherently has a computer program for controlling call logging, comprising:

a recording medium (column 2, lines 53-63);

means (software programs), recorded on said recording medium, for accessing at least one caller ID based logging request (when a called party subscribers to caller ID

going service, the called party thus, by inherency, requests caller ID logging) for said call (column 2, lines 53-58); and

means (software programs), recorded on said recording medium, for logging said caller ID in caller identification logging server 124, according to caller ID logging request (column 2, lines 53-63).

9.1.26 Regarding claim 32, Gurbani further teaches:

detecting a plurality of telephone numbers (context clues) including caller ID and called directory number (figures 2A and 2B); and

identifying a caller ID from the plurality of telephone numbers (figures 2A and 2B).

9.1.27 Regarding claim 36, Gurbani teaches notifying the subscriber of caller ID logged (column 5, lines 21-29).

9.1.28 Regarding claim 37, Gurbani teaches notifying the subscriber (designated party) of caller ID logged (column 5, lines 21-29).

9.1.29 Regarding claim 38, Gurbani teaches time stamps and stores logged caller ID (column 2, lines 59-63). It is inherent that if a caller calls more than once, his caller ID would be updated in a call log.

9.1.30 Regarding claim 39, Gurbani teaches authenticating the subscriber before forwarding caller IDs to the subscriber's computer 130 (column 28-43).

9.1.31 Regarding claim 40, Gurbani teaches filtering a plurality of caller IDs (with and without caller ID) for a plurality of callers, detecting a valid caller ID, and determining that called ID logging request (by the subscriber) is valid (column 2, lines 53-58; Figures 2A and 2B).

9.1.32 Regarding claims 41 and 44: Gurbani teaches:

logging a caller ID at an identification logging server 124 for a called party who subscribes (requests) caller ID logging service, when caller ID is present in an incoming call (figures 2A and 2B; column 2, lines 53-58); and

responding to a request by the called party (call ID logging subscriber), controlling output of logged caller ID to the called party's computer through Internet (column 3, lines 28-43).

9.1.33 Regarding claims 42 and 45, Gurbani further teaches prioritizing caller IDs (column 3, lines 48-55).

9.1.34 Regarding claims 43 and 46, Gurbani teaches outputting caller IDs to a subscriber's computer 130 (column 3, lines 28-43).

9.1.35 Independent claim 47: Gurbani discloses a subscriber's telephone call-log with Internet access in figure 1. Gurbani teaches a caller identification logging server 124, which is connected to a service control point (SCP) 122 (column 2, lines 53-58). Gurbani further teaches that SCP 122 and caller identification logging server 124 may be unified into one single unit (column 5, lines 48-52). The single unit, inherently has a computer program for controlling call logging, comprising:

a recording medium (column 2, lines 53-63);

means (computer software or application) for logging a caller ID at an identification logging server 124 for a called party, who subscribes caller ID logging service, when caller ID is present (figures 2A and 2B; column 2, lines 53-58); and

means (computer software or application) for responding to a request by the called party (subscriber), controlling output of logged caller ID to the called party (column 3, lines 28-43).

9.2 Claims 1, 3, 4, 16, 18, 19, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al. US 6,363,145.

9.2.1 Regarding claim 1, Shaffer discloses a method for recording an incoming call at a call center based on call context. Shaffer teaches:

detecting a context, such as a voice data pattern (column 7, lines 10-18) of a an incoming call (column 7, lines 25-30);

accessing a recording (logging) request valid for said voice data pattern (column 4, lines 34-39, 44-67; column 5, lines 1-18, 66-67; column 6, lines 1-17); and

recording said voice data pattern (context) in a memory (column 7, lines 25-29).

9.2.2 Regarding claim 3, Shaffer teaches that the voice data pattern is detected by a digital signal processor (DSP) 22 in an ACD Gateway 16, which outside a trusted telephone network (Figures 1 and 2; column 5, lines 66-67; column 6, lines 1-17; column 7, lines 25-29).

9.2.3 Regarding claim 4, Shaffer teaches a plurality of voice data pattern clues, such as length of silence, maximum voice volume level, and interruptions, etc. (column 2, lines 43-67).

9.2.4 Regarding claim 16, Shaffer discloses a system for recording an incoming call at a call center based on call context in figures 1 and 2, comprising:

a digital signal processor (DSP) 22 for detecting a context, such as a voice data pattern (column 7, lines 10-18) for an call (column 7, lines 25-30);

means for accessing a recording (logging) request valid for said voice data pattern (column 4, lines 34-39, 44-67; column 5, lines 1-18, 66-67; column 6, lines 1-17); and

means for recording said voice data pattern (context) in a memory (column 7, lines 25-29).

9.2.5 Regarding claim 18, Shaffer teaches that the voice data pattern is detected by the DSP 22 in an ACD Gateway 16, which outside a trusted telephone network (Figures 1 and 2; column 5, lines 66-67; column 6, lines 1-17; column 7, lines 25-29).

9.2.6 Regarding claim 19, Shaffer teaches a plurality of voice data pattern clues, such as length of silence, maximum voice volume level, and interruptions, etc. (column 2, lines 43-67).

9.2.7 Regarding claim 31, Shaffer discloses an automated silent call monitoring system in figures 1 and 2, comprising:

a memory 26;

means (digital signal processor, or DSP 22) for detecting a context, such as a voice data pattern (column 7, lines 10-18) for an call (column 7, lines 25-30);

means for accessing a recording (logging) request valid for said voice data pattern (column 4, lines 34-39, 44-67; column 5, lines 1-18, 66-67; column 6, lines 1-17); and

means for recording said voice data pattern (context) in a memory (column 7, lines 25-29).

9.2.8 Regarding claim 32, Shaffer teaches a plurality of voice data pattern clues (column 2, lines 43-67).

9.3 Claims 1, 9, 10, 16, 24, 25, 31, 33, 35, 41, 44 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Maloney et al. US 5,535,256.

9.3.1 Regarding claim 1, Maloney discloses a method for monitoring a call at a call center. Maloney teaches:

detecting an agent's extension (context) taking a call (column 7, lines 66-67; column 8, lines 1-2; figure 5, block 172; column 15, lines 53-58);

accessing an agent extension based monitoring request to determine if said agent extension is scheduled for monitoring (column 4, lines 25-51; column 5, lines 7-14); and

recording (logging) said agent's extension according to the monitoring request (column 5, lines 25-49).

9.3.2 Regarding claims 9 and 10, Maloney teaches that said call is recorded, and said agent is notified of recording (column 4, lines 25-35; column 5, lines 50-60).

9.3.3 Regarding claim 16, Maloney discloses a system for monitoring a call at a call center, comprising:

means for detecting an agent's extension (context) taking a call (column 7, lines 66-67; column 8, lines 1-2; figure 5, block 172; column 15, lines 53-58);

means for accessing an agent based monitoring request to determine if said agent extension is scheduled for monitoring (column 4, lines 25-51; column 5, lines 7-14); and

means for recording (logging) said agent's extension according to the monitoring request (figure 3; column 5, lines 25-49).

9.3.4 Regarding claims 24 and 25, Maloney teaches that said call is recorded, and said agent is notified of said recording (column 4, lines 25-35; column 5, lines 50-60).

9.3.5 Regarding claim 31, Maloney discloses a computer program product for monitoring a call at a call center, comprising:

a hard disk 104 (recording medium) (column 7, lines 11-17);

means for detecting an agent's extension (context) taking a call (column 7, lines 66-67; column 8, lines 1-2; figure 5, block 172; column 15, lines 53-58);

means for accessing an agent extension based monitoring request to determine if said agent extension is scheduled for monitoring (column 4, lines 25-51; column 5, lines 7-14); and

means for recording (logging) said agent's extension according to the monitoring request (figure 3; column 5, lines 25-49).

9.3.6 Regarding claims 33 and 35, Maloney teaches that said call is recorded, and said agent is notified of recording (column 4, lines 25-35; column 5, lines 50-60).

9.3.7 Regarding claims 41 and 44, Maloney discloses a system for monitoring a call at a call center, comprising:

means for recording (logging) an agent's extension number (context entry) of said call, for a call center according to a monitoring request of said extension number in a scheduled period (figures 2 and 3; column 5, lines 7-49); and

Means for responsive to a request by said supervisor of said call center, controlling output of said agent's name and extension number to said supervisor (figure 3; column 5, lines 25-49).

9.3.8 Regarding claim 47, Maloney discloses a computer program product for controlling a call at a call center, comprising:

a hard disk 104 (recording medium) (column 7, lines 11-17);

means for recording (logging) an agent's extension number (context entry) of said call, for a supervisor according to a monitoring request of said extension number in a scheduled period (figures 2 and 3; column 5, lines 7-49); and

Means for responsive to a request by said supervisor, controlling output of said agent's name and extension number to said supervisor (figure 3; column 5, lines 25-49).

(10) Response to Argument

10.1 Rejection over Gurbani:

The Applicants argue that Gurbani does not disclose each and every element recited in claims 1, 2, 4-8, 1-17, 19-23, 26-32 and 36-47.

10.1.1 Independent claims 1, 16, 31, 41, 44 and 47: The Applicants argue in the first paragraph, page 5 of the Appeal Brief, that Gurbani discloses listing every call received by a subscriber regardless of the context of the call, not controlling all login including context based logging requests that are valid for a context of a call. However, according to Webster's Dictionary, the meaning of context is: "the interrelated conditions in which something exists or occurs", and as disclosed by the Applicants in the first paragraph, page 10 of the Specification, the call context includes the identity of a caller or callee. Examiner thus interprets that the call context recited in the claims includes caller IDs.

In Gurbani, when a called party subscribes to the call ID logging service, the called party requests a caller ID logging service to log caller IDs (context) of his/her incoming calls. The caller logging service only logs caller IDs for its subscribers, and once an incoming call for the called party is detected, the caller ID logging service determines (by accessing called party's profile) if the called party is a current subscriber (who requests caller ID logging) and if so (valid logging request), logs the caller ID, including name, telephone number and time of the call. Therefore, Gurbani teaches every element recited in claim 1.

As for the Applicant argument that Gurbani teaches away from controlling call logging, including context based logging requests that are valid for a context of a call,

because Gurbani teaches listing all calls without regard to the call context and without regard to valid context based logging request. Examiner does not agree, because as shown in figure 2 and as stated above, Gurbani's teaches logging a caller ID only when the caller ID is detected (i.e. context based, and with valid context), and when a logging request is valid (called party is a current subscriber who requests said logging).

10.1.2 Dependent claims 2, 4-8, 11-15, 17, 19-23, 26-20, 32, 36-40, 42, 43, 45 and 46: Applicants have no further argument.

10.2 Rejection over Shaffer:

The Applicants argue that Shaffer does not disclose each and every element recited in claims 1, 3, 4, 16, 18, 19, 31 and 32.

10.2.1 Independent claims 1, 16 and 33:

The Applicants argue that Shaffer teaches monitoring spoken words of a call itself, not the context of the call (see page 12, first paragraph of the Appeal Brief). However, according to Webster's Dictionary, the meaning of context is: "the interrelated conditions in which something exists or occurs", and as disclosed by the Applicants in the first paragraph, page 10 of the Specification, the call context includes, but not limited to the identity of a caller or callee ... etc. Examiner thus interprets that the call context for a call includes voice patterns during a call.

The applicants further argue that Shaffer teaches monitoring spoken words of the call, not the context of the call, and Shaffer does not controlling call logging or context based logging requests that are valid for a context of a call (page 12, first paragraph of the Appeal Brief). However, Shaffer teaches monitoring voice patterns such as length of silence, volume level, and excessive interruptions (see Shaffer, column 2, lines 43-67; column 4, lines 44-63), not spoken words, and as interpreted by the Examiner, the call context includes voice patterns, thus Shaffer teaches controlling call logging when said voice pattern is detected (context based, and based on a programmed valid requests). Shaffer thus teaches all limitation in the claims.

10.2.2 Dependent claims 3, 4, 18, 19, and 32: The Applicants have no further argument on the dependent claims.

10.2.3 Applicants also argue for independent claims 41, 44 and 47, but since these claims were not rejected over Shaffer, such argument will not be addressed.

10.3 Rejection over Maloney:

The Applicants argue that Moloney does not disclose each and every element recited in claims 1, 9, 10, 16, 24, 25, 31, 33, 35, 41, 44 and 47.

10.3.1 Independent claims 1, 16, 31, 41, 44 and 47:

The applicants argue that Maloney teaches recording a call depends on time, not a context for a call. However, according to Webster's Dictionary, the meaning of context is: "the interrelated conditions in which something exists or occurs", and as disclosed by the Applicants in the first paragraph, page 10 of the Specification, the call context may include, but not limited to the identity of a caller or callee ... etc. Examiner thus interprets that the call context for a call includes identification of a callee.

Maloney teaches monitoring a call based on the identification of a called telephone, or the agent's extension. Maloney teaches a monitoring schedule, and during a scheduled period, a supervisor requests incoming call taking by a particular agent to be monitored (column 4, line 52-58). The Applicants choose to ignore the fact that monitoring is based on an agent's extension identification, requested by a supervisor during a scheduled monitoring period. In other words, Maloney's system, during a scheduled monitoring period (one month, for example, see figure 2) detects an incoming call to an agent's extension (context), determines with a database whether the agents is on a monitoring list (requested by a supervisor), and if so (valid context based request), records the extension number and the agent's name according to a monitoring request. Maloney indeed teaches a context (callee's ID) based logging system, which logs an agent's extension number only when the extension is detected (context based) for taking a call, and the extension is on a monitoring list (valid request).

In addition the Applicant further argues that Maloney fails to teach logging a context entry of a call for a particular party and output said context to said particular party. However, Maloney teaches logging an agent's extension (context entry) of a call

for a supervisor (particular person who requests logging), and output a logging record to said supervisor

10.3.2. Dependent claims: Applicants have no further argument regarding dependent claims.

10.4 The Applicants argue that Gurbani, Shafer and Maloney do not enable the climes of current invention. However, since Gurbani, Shaffer and Maloney are US patents, and are valid references which disclose every elements of the current invention (see the Ground of Rejection), therefore, Gurbani, Shaffer and Maloney teach the enablement of the current invention.

10.5 For the above reasons, it is believed that the rejections should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Respectfully submitted,

Examiner: Simon Sing

November 22, 2006

Conferees: Fan Tsang (SPE)

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